

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



August 6, 2001

Lauren Levine  
United Technologies Corporation  
United Technologies Building  
Hartford, CT 06101



RDMS DocID 00100151

*Pratt & Whitney*  
*CT 0990672081*  
*R IC*  
RDMS # 100151

Re: Pratt & Whitney, Willow Brook and Willow Brook Pond; East Hartford, CT

Dear Ms. Levine:

Attached please find the Department's consent order in the above-referenced matter.

If you have any questions, please contact Richard Hathaway of my staff at (860) 424-3780.

Sincerely,

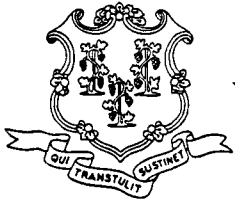
Michael J. Harder, Director  
Permitting, Enforcement & Remediation Division  
Bureau of Water Management

cc w/attachment:

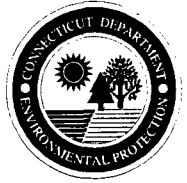
Janet Kwiatkowski, DEP PCB Management Unit  
Charles Berger, DEP Inland Water Resources Division  
Juan Perez, EPA Region 1

Attachment

Sent Certified Mail  
Return Receipt Requested  
7099 3400 0009 5065 3813



**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



DATE: August 1, 2001

Pratt & Whitney  
CTD990672081  
R-1C

STATE OF CONNECTICUT

V.

UNITED TECHNOLOGIES CORPORATION, PRATT & WHITNEY DIVISION

**CONSENT ORDER**

A. With the agreement of United Technologies Corporation, Pratt & Whitney Division ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:

1. Respondent is the owner of property at 400 Main Street in East Hartford, Connecticut at which property respondent manufactures jet aircraft engines.
2. A segment of Willow Brook, including an impoundment known as Willow Brook Pond, and an associated wetland and soil in the vicinity of an oil water separator, are located on a portion of Respondent's property as shown on the map attached as Exhibit A ("the site").
3. Respondent formerly utilized materials containing polychlorinated biphenyl compounds (PCB) during the manufacture of jet aircraft engines. Respondent discharged PCBs to Willow Brook via piping from floor drains within the manufacturing facility. Such discharges contaminated sediments in Willow Brook, Willow Brook Pond and associated wetlands, and soil in the vicinity of the oil water separator described in paragraph A.2.
4. By virtue of the above, Respondent has established a facility or created a condition which can reasonably be expected to create a source of pollution to the waters of the state.
5. By agreeing to the issuance of this consent order, Respondent does not admit that findings 3 and 4 are correct.
6. The report titled "Report on PCB Investigation for Willow Brook and Willow Brook Pond, Phase III, Pratt & Whitney East Hartford, CT" dated April 1999 documents elevated concentrations of polychlorinated biphenyl compounds ("PCB") and other substances in sediment in Willow Brook and a pond and wetlands associated with Willow Brook and in soil at the site. The report is hereby approved.

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7. On December 14, 2000, the Respondent submitted for the Commissioner's review and written approval a remedial action plan and schedule for remediating the polluted sediment and soil on the site. The remedial action plan was prepared by Loureiro Engineering Associates, Inc. and is titled "Remedial Action Work Plan, United Technologies Corporation, Pratt & Whitney, Willow Brook and Willow Brook Pond, East Hartford, CT", and is dated November 2000.
  8. In accordance with regulations of Connecticut State Agencies, Respondent published notice of its intent to use an engineered control to isolate contaminated sediment beneath a cap as part of the remedial actions for the site on April 28, 2001 by publication in the Hartford Courant and by mailing notice to the owner of record for each property abutting the site.
- B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-424, and §22a-432 of the Connecticut General Statutes, orders Respondent to remediate the sediments and soil at the site in accordance with the standards adopted by the Commissioner pursuant to Section 22a-133k of the Connecticut General Statutes as follows:
1. a. Qualified Consultant. Respondent has retained Loureiro Engineering Associates, Inc. to prepare documents and implement or oversee the actions required by this consent order. Respondent shall within seven (7) days after retaining any consultant other than Loureiro Engineering Associates, Inc. notify the Commissioner in writing of the identity of such other consultant. Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this consent order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
  - b. Submission of Revised Remedial Action Plan. On or before 30 days after the date of issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval:
    - (1) a revised remedial action plan including a revised request for an engineered control (upon the Commissioner's approval "the Approved Remedial Action Plan").
    - (2) a written summary of the public comments received within forty-five days of the publication of the notice of the intent to use an engineered control and a written response to each such comment.
    - (3) a detailed description of the monitoring and maintenance plan for the proposed engineered control (upon the Commissioner's

approval; "the Approved Monitoring and Maintenance Plan"),  
and

- (4) a schedule for performing the remedial actions proposed and for conducting the proposed monitoring and maintenance activities (upon the Commissioner's approval "the Approved Schedule").

c. Permits.

- (1) On or before 30 days after the Commissioner has approved the remedial action plan required by B.1.b of this consent order, the Respondent shall apply for all permits that are necessary to carry out the remedial action approved by the Commissioner.
- (2) Respondent shall ensure that such applications are complete and shall diligently pursue the issuance of such permits. Should the Commissioner request additional information as part of the permit review and evaluation process, such information shall be submitted on or before 30 days of receiving a written request from the commissioner.

- d. Notice. On or before 10 days of receiving any required permit or approval, Respondent shall submit to the Commissioner notice of receiving such permit or approval, and shall, upon the Commissioner's written request, submit a copy of such permit.

e. Performance of remedial actions.

- (1) Respondent shall perform the remedial actions described in the Approved Remedial Action Plan required by paragraph B.1.b of this consent order.
- (2) Respondent shall perform the remedial actions described in the Approved Remedial Action Plan in accordance with the Approved Schedule.
- (3) On or before 15 days of completing such remedial actions, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.

f. Monitoring.

- (1) Respondent shall perform the actions described in the Approved Monitoring and Maintenance Plan required by paragraph B.1.b. of this consent order.

- (2) Respondent shall perform the actions described in the Approved Monitoring and Maintenance Plan in accordance with the Approved Schedule.
  - (3) On a schedule established by the Commissioner in writing, or, if no such schedule is established, on a quarterly basis beginning no later than 90 days after initiation of the approved remedial actions, Respondent shall submit for the Commissioner's review and written approval a report describing the results of the monitoring program during that quarter or reporting period.
- g. Additional remedial actions, measures and reporting. If the approved remedial actions do not result in the prevention and abatement of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional remedial actions, measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before 30 days after notice from the Commissioner that such plan and schedule are required.
2. Progress reports. On or before the last day of March, June, September, and December of each year after issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
3. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
4. Sampling and sample analyses. All sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the U.S. Environmental Protection Agency or the Connecticut Department of Public Health to conduct such analyses. All sampling and sample analyses performed under this consent order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with EPA document SW-846. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the maximum level of precision and accuracy possible.

5. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.
6. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier.
7. Dates. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
8. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

9. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
10. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
11. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
12. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
13. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
14. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
15. Access to site. Any representative of the Department of Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
16. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
17. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or

misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.

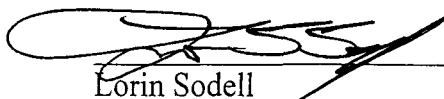
18. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
19. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Richard C. Hathaway, Jr.  
Department of Environmental Protection  
Bureau Of Water Management  
Permitting, Enforcement & Remediation Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order. A corporate resolution granting such authorization is attached hereto as Exhibit B.

United Technologies Corporation,  
Pratt & Whitney Division  
By:

19 JULY 61  
(Date)

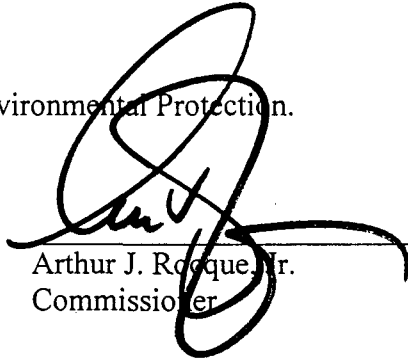
  
Lorin Sodell  
Chief Manufacturing Engineer &  
Director of Facilities & Services



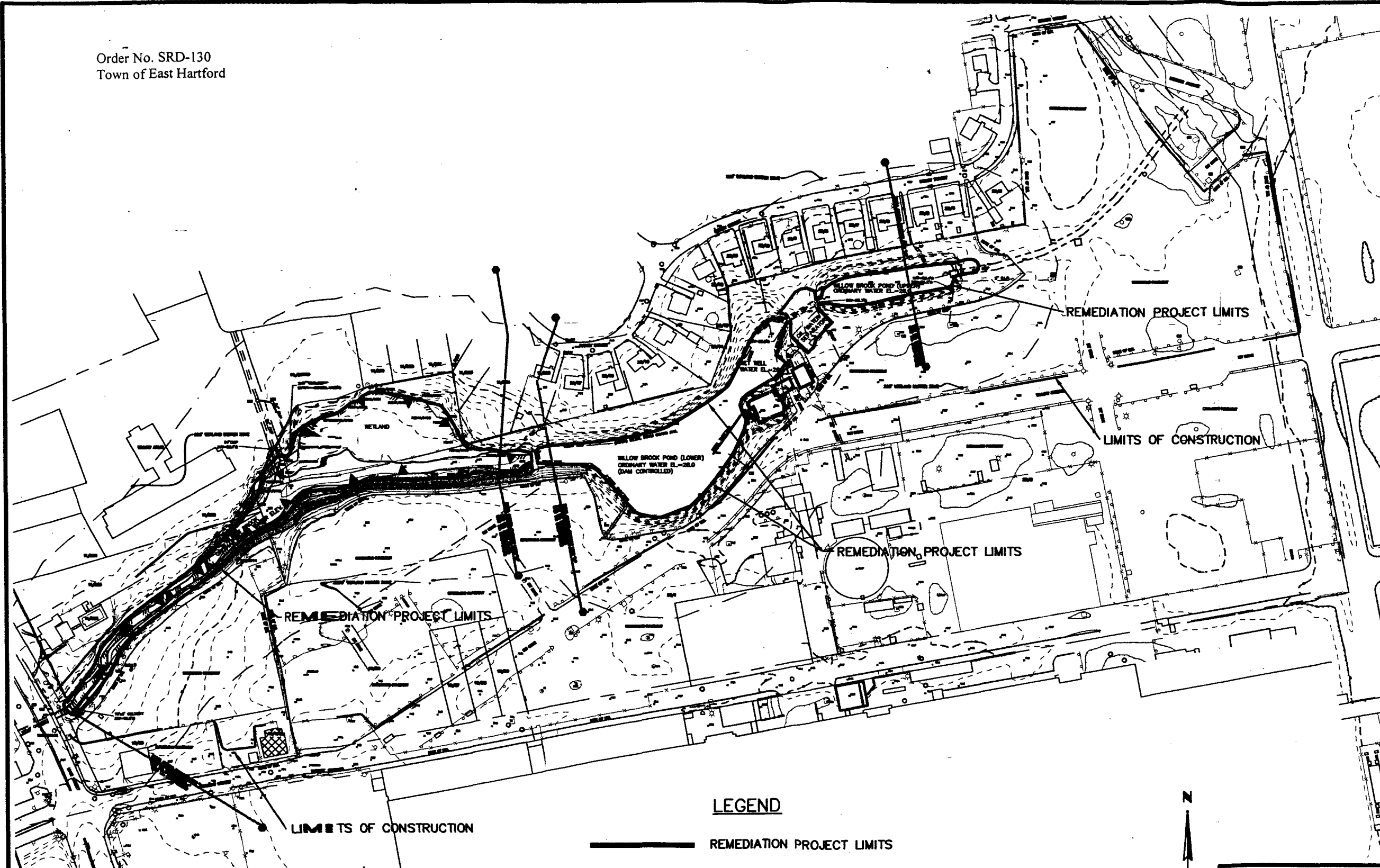
Order No. SRD- 130  
Town of East Hartford

Issued as a final order of the Commissioner of Environmental Protection.

August 1, 2001  
Date

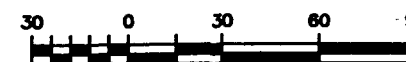
  
\_\_\_\_\_  
Arthur J. Rocque, Jr.  
Commissioner

Order No. SRD-130  
Town of East Hartford



**LEGEND**

— REMEDIATION PROJECT LIMITS



SCALE IN FEET



**REMEDIATION PROJECT LIMITS**

Comm.No.  
88UT103.001

**EXHIBIT A**

